

AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

I, Michael J. Roelofs, being duly sworn, hereby depose and state:

1. I am a Special Agent (SA) with the U.S. Army Criminal Investigation Command (USACIDC), and have been employed in that position since November 2011. I have been assigned to the Major Cybercrime Unit (MCU) since June 2017. The MCU is responsible for investigating computer-related offenses including child pornography, extortion, computer intrusions, denial of service attacks and other types of malicious computer activity directed against the U.S. Army or conducted using Army computers. I am a certified DoD Cyber Crime Investigator (CCI), Digital Forensic Examiner (DFE), and Digital Media Collector (DMC). As a SA, I have personally been the affiant and/or participated in the execution of a number of federal search warrants which have involved child exploitation and/or child pornography offenses. I have attended the U.S. Army Criminal Investigation Division Special Agent Course (CIDSAC), a federally accredited criminal investigator training program, the Federal Law Enforcement Training Center (FLETC), and completed numerous advanced Special Agent training courses specifically in Digital Forensics and Digital Media Collection. In addition to my training as a criminal investigator, I have received advanced training in cases involving Child Exploitation and I am a member of several Task Forces affiliated to the Internet Crimes Against Children (ICAC) Program. As part of my duties, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of the Uniform Code of Military Justice, as well as, violations of Title 18 U.S.C Sections 2251, 2252, and 2252A. As part of my training and experience, I have reviewed images containing child pornography in a variety of formats (such

as digital still images and video images) and media (such as digital storage devices, the Internet, and printed images). As a civilian Special Agent of USACIDC, I am authorized to investigate crimes involving violations of the Uniform Code of Military Justice, and other applicable federal laws, where there is an Army interest.

2. The information set forth in this affidavit is known to me as a result of an investigation personally conducted by me and other law enforcement agents. Thus, the statements in this affidavit are based in part on information provided by SAs and other employees of the USACIDC, as well as other investigators employed by federal or state governments. I have participated in investigations involving persons who collect and distribute child pornography, and the importation and distribution of materials relating to the sexual exploitation of children. I have received training in the areas of child exploitation, and I have reviewed images and videos of child pornography in a wide variety of media forms, including computer media. I have also discussed and reviewed these materials with other law enforcement officers.

3. In the course of my employment as a sworn law enforcement officer, I have participated in the execution of numerous search warrants resulting in the seizure of computers, magnetic storage media for computers, other electronic media, and other items evidencing violations of state and federal laws.

4. This affidavit supports an application for a criminal complaint charging JONATHAN KYLE MOREHOUSE with Distribution of Child Pornography, in violation of Title 18, United States Code, § 2252A(a)(2). Title 18, United States Code, § 2252A(a)(2) makes it a federal criminal offense to knowingly distribute any child pornography or materials that contain child pornography that has been mailed, or using any means or facility of interstate or foreign

commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

5. This affidavit is based upon information that I have gained from my investigation, my training and experience, as well as information gained from conversations with other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that JONATHAN KYLE MOREHOUSE has committed a violation of Title 18, United States Code, § 2252A(a)(2).

STATUTORY AUTHORITY AND DEFINITIONS

6. This investigation concerns an alleged violation of Title 18 United States Code, § 2252A(a)(2) regarding Distribution of Child Pornography. Title 18, United States Code, § 2252A(a)(a) states in pertinent part:

Any person who knowingly distributes any child pornography or materials that contain child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

7. The terms "child pornography" and "sexually explicit conduct" are defined in Title 18, United States Code, §§ 2256(8) and (2). The term "child pornography" is defined as "any visual depiction.....of sexually explicit conduct." The term "sexually explicit conduct" means actual or simulated:

sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal,

whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person.

8. The term "computer," as used herein, is defined pursuant to Title 18, United States Code, § 1030(e)(1), as "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device."

BACKGROUND OF THE INVESTIGATION

9. Pursuant to 18 U.S.C. § 2258A, a provider of electronic communication services or remote computing services to the public through a means or facility of interstate commerce, such as the Internet, shall report incidents of apparent violations of child exploitation statutes to the CyberTip (CT) of the National Center for Missing and Exploited Children (NCMEC). Such a report may include the pornographic image(s) and other identifying or descriptive information.

10. On September 6, 2019, I received CT Report # 45252134, 45423914, 46346466, 46349936 (collectively referred to herein as "CT Report") that had been submitted to NCMEC by BingImage, a Microsoft-owned web search engine. BingImage allows a user to upload an image into its Bing Visual Search engine to search the web for similar images. The CT Report had been referred to me by the Bedford County Sheriff's Office, VA. According to the CT Report, a device using the Internet Protocol (IP) Address 98.166.68.174 had uploaded images depicting child pornography to BingImage from January 4 through February 5, 2019. The Bedford Country Sheriff's Office submitted a subpoena to COX Communications for subscriber information that, at the time of the upload, was associated with IP address 98.166.68.174. COX

Communications subpoena results showed that the IP address at the time of the incident was assigned to subscriber JONATHAN KYLE MOREHOUSE (referred to herein as "SUBJECT") located at 355 Lincoln St, Unit B, Fort Eustis, VA 23604, with phone number 716-392-6343.

11. A search of Department of Defense (DoD) military records shows that SUBJECT is an active duty United States Army Staff Sergeant (SSG) currently assigned to Fort Eustis VA. DoD military records show that the SUBJECT resides at 355 Lincoln St, Unit B, Fort Eustis, VA (the "PREMISES") and that his phone number is 716-392-6343.

12. On September 6, 2019, I reviewed the files associated with CT Report and based on my training and experience, identified at least three image files depicting child pornography, as defined by 18 U.S.C. § 2256. Three of the files are digital images shown in color includes:

- a. A digital image entitled "c2c4290-f8f4-4257-8eff-971573e68694.jpg" depicted a nude Caucasian girl, pre-teen lying on her stomach with both legs up in the air while exposing her genitals.
- b. A digital image entitled "61d11e3c-9794-46c1-9380-75886a3d4057.jpg" depicted a nude Caucasian girl, pre-teen, bent forward on her knees so as to fully expose her genitals from a rear view.
- c. A digital image entitled "c534e4d1-01fa-4932-a658-a21611242b53.jpg" depicted two nude Caucasian girls, pre-teen, lying close together on their sides, with both girls' legs spread open, fully exposing their genitals.

13. On September 18, 2019, I received an additional NCMEC CyberTip Report # 52378562. According to the CT Report 52378562, Snapchat reported a user with the account name jonny571390 used a device using the Internet Protocol (IP) Address 2600:8805:700:972

0:ccf8:e058:4456: port 1169, to uploaded images depicting child pornography on July 17, 2019.

The same phone number in the previous CyberTip (716-392-6343) was reported by Snapchat as being associated with Snapchat user jonny571390. The Bedford Country Sheriff's Office submitted a subpoena to Verizon Wireless, which provided the following information as being associated with the Snapchat account during the reported time and date of this report to NCMEC:

- a. Phone: 1-716-392-6343
- b. Date of Birth: 07-13-1990
- c. Email Address: jonny5.morehouse@gmail.com
- d. Screen/User Name: jonny571390
- e. IP Address: 2600:8805:700:9720:ccf8:e058:4456:1169
- f. 04-20-2019 19:30:27 UTC
- g. Number of uploaded files: 2

14. The phone number reported by Snapchat is associated in DoD records with the SUBJECT.

15. I reviewed the files associated with CT Report 52378562 and based on my training and experience, identified at least two image files depicting child pornography, as defined by 18 U.S.C. § 2256. Two of the files are digital images shown in color includes:

- a. a digital image entitled
"034d9190-b588-48ca-8b4cb3c321dcd1d5_CHAT_MEDIA_1548222081547.jpeg"
depicted a nude Caucasian girl, pre-teen, sitting on a couch with her legs bent up towards her ears, exposing her genitals.
- b. A digital image entitled

“034d9190-b588-48ca-8b4cb3c321dcd1d5_CHAT_MEDIA_1549949275806.jpeg”

depicted two nude girls, both pre-teen with girl A sitting on the couch with her legs spread open while the girl B is licking the breast of the other girl while using her fingers to spreading open girl A’s vagina.

16. On October 2, 2019, I conducted physical surveillance at 355 Lincoln St, Unit B, Fort Eustis, VA 23604, and identified a 2013 Silver Ford Explorer, bearing Alaska license plate JCX760, parked curbside in front of the residence (the “VEHICLE”). Law enforcement database checks revealed the VEHICLE is registered and owned by the SUBJECT. The following observations were made during the course of the surveillance: SUBJECT was observed departing the residence, exiting from the back entrance of residence and approaching the General Stanford Elementary School located approximately 400 feet from his residence. SUBJECT was observed entering the school. SUBJECT was seen departing General Stanford Elementary School with a Caucasian girl, approximately 5-8 years old in age, being carried on his shoulders back towards the residence and entering the PREMISES.

17. On October 4, 2019, I obtained a Federal Search Warrant authorizing the search of the SUBJECT, the PREMISES, and the VEHICLE for evidence of criminal conduct in connection with the aforementioned investigation, (the “SEARCH WARRANT”).

18. On October 5, 2019, I coordinated with Captain (CPT) Rachel O. Arment, U.S. Army Trial Counsel, Staff Judge Advocate (SJA), Fort Eustis, VA and briefed her on the case pertaining to the SUBJECT. CPT Arment related that the SUBJECT was scheduled to undergo a Military Court Martial for displaying predatorial type behavior towards U.S. Army personnel females and multiple allegations of inappropriate behavior with new female recruits.

19. CPT Arment related that the SUBJECT accepted a plea deal in Lieu of Court Martial admitting to the allegation and is being currently separated from the military effective October 10, 2019.

20. On October 6, 2019, Special Agents from U.S. Army CID MCU executed the SEARCH WARRANT. During the execution, the SUBJECT made the following spontaneous comments during his apprehension:

- a. "I know what this is about, everything you are looking for is on my phone."
- b. "There is nothing on my other devices" and "I have a good excuse for what's on my phone but you are not going to believe me."

21. Additionally, while speaking with the SUBJECT's wife in the residence, Mrs. Morehouse made the following statement aloud: "They are here because of the illegal porn you have been watching."

22. Evidence was collected from the residence consisting of various digital devices such as a desktop computer, cell phones, external hard drives, thumb drives, various assortment of SD cards, and multiple tablets.

23. Your affiant previewed the cell phone belonging to the SUBJECT and noted several images of preteen Caucasian girls, fully nude exposing their genitals.

24. Every Cell Phone has a unique identifier code, known as an IMEI number. The letters stand for International Mobile Station Equipment Identity, and the number is used to identify each mobile phone. The cell phone belonging to SUBJECT was identified as the same IMEI number listed in the CyberTip Report 52378562 received from SnapChat – referenced in paragraph 13 above.


25. The SUBJECT was subsequently advised of his legal rights wherein he admitted to possession and distribution of child pornography.

26. The SUBJECT's daughter, Madison K. Morehouse, 5-years-old, was interviewed on October 6, 2019, but did not disclose any type of abuse coming from her father. However, both the SUBJECT's wife and daughter related that the daughter often runs around the house naked "all the time." The SUBJECT's wife related that it has been a daily struggle to keep her daughter from running around the house naked.

CONCLUSION

27. Based upon the facts set forth above, I submit that probable cause exists to believe that JONATHAN KYLE MOREHOUSE has violated Title 18, United States Code, § 2252A(a)(2), which prohibits any person that knowingly distributes any child pornography or materials that contain child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer. Accordingly, I request that a warrant be issued authorizing the arrest of JONATHAN KYLE MOREHOUSE.

FURTHER YOUR AFFIANT SAYETH NOT.



Michael J. Roelofs
Special Agent
United States Army Criminal Investigation Division
Major Cybercrime Unit


This affidavit has been reviewed for legal sufficiency by Assistant United States Attorney Peter G. Osyf.

Reviewed:



Peter G. Osyf
Assistant United States Attorney

Subscribed and sworn to before me this 7th day of October, 2019, in the City of Newport News, Virginia.



The Honorable Douglas E. Miller
UNITED STATES MAGISTRATE JUDGE